IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8672 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ABEDABEN R DEVDIWALA

Versus

SHRIJI APPARELS

Appearance:

MR KV SHELAT for the Petitioner.

MR KM PATEL for the Respondent.

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 09/08/2004

ORAL JUDGEMENT

Rule. Learned counsel Mr. K.M.Patel, appearing for the respondent waives service of notice of Rule. At the request of the learned counsel for the

parties, this petition is heard finally.

2. The learned counsel for the parties have arrived at a consensus. The learned counsel for the parties have agreed to the effect that the respondent shall deposit an amount of Rs. 25,000/- before the trial court within a period of two weeks from today and shall furnish a bank guarantee of Rs. 50,000/- within a period of four weeks from today. The respondent shall also file an undertaking before the trial court for the payment of the remaining amount, in the event, if the respondent ultimately fails in the proceedings before the trial court. However, the learned counsel for the respondent submitted that the aforesaid amount is never due. On the contrary, the respondent has to recover the said amount from the petitioner. The aforesaid arrangement is made without prejudice to the rights and contentions of both the parties and the trial court will not be influenced, in any manner, by the aforesaid arrangement. Be that, as it may, the aforesaid contention shall be decided by the trial court.

3. Looking to the facts and circumstances of the case, complexity of the case and voluminous record of the case, coupled with the fact that the Revisional Court has directed the trial court to dispose of the suit within a period of three months, and the same has not been disposed of within that stipulated time limit, I hereby direct the Small Cause Court, Ahmedabad to dispose of HRP Civil Suit No.299 of 2002 within a period of four months from the date of receipt of writ from this Court. I hope and trust that there shall not be a demand of extension of time. Learned counsel for both the sides have also agreed that they shall not ask for time, save and except for compelling reasons. The trial court is also directed not to grant any adjournment, except invery exceptional circumstances.

4. In view of the aforesaid arrangement, the judgment and order dated 25th March, 2004 in Civil Revision Application No. 28 of 2003 passed by the Appellate Bench of Small Cause Court, Ahmedabad is hereby quashed and set aside. Rule made absolute accordingly with no order as to costs.

(D.N.Patel,J)

***darji